

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 422 Ex.]

#### YEAS—51

Baldwin	Hickenlooper	Peters
Bennet	Hirono	Portman
Blumenthal	Kaine	Reed
Booker	Kelly	Rosen
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Leahy	Schumer
Carper	Lujan	Shaheen
Casey	Manchin	Sinema
Collins	Markey	Smith
Coons	Menendez	Stabenow
Cortez Masto	Merkley	Tester
Duckworth	Murkowski	Warner
Durbin	Murphy	Warnock
Gillibrand	Murray	Warren
Hassan	Ossoff	Whitehouse
Heinrich	Padilla	Wyden

#### NAYS—47

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	Wicker
Ernst	Moran	Young
Fischer	Paul	

#### NOT VOTING—2

Feinstein Van Hollen

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Douglas L. Parker, of West Virginia, to be an Assistant Secretary of Labor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 338, Myrna Perez, of New York, to be United States Circuit Judge for the Second Circuit.

Charles E. Schumer, Patty Murray, Sheldon Whitehouse, Ben Ray Lujan, Martin Heinrich, Cory A. Booker, Jack Reed, Richard J. Durbin, Mazie Hirono, Christopher A. Coons, Richard Blumenthal, Jacky Rosen, Kirsten E. Gillibrand, Gary C. Peters, Chris Van Hollen, Robert P. Casey, Jr., Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Myrna Perez, of New York, to be

United States Circuit Judge for the Second Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The PRESIDING OFFICER (Mr. KING). Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 423 Ex.]

#### YEAS—51

Baldwin	Hickenlooper	Peters
Bennet	Hirono	Reed
Blumenthal	Kaine	Rosen
Booker	Kelly	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Coons	Markey	Stabenow
Cortez Masto	Menendez	Tester
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warner
Gillibrand	Murphy	Warnock
Graham	Murray	Warren
Hassan	Ossoff	Whitehouse
Heinrich	Padilla	Wyden

#### NAYS—48

Barrasso	Fischer	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Paul	Young

#### NOT VOTING—1

Feinstein

The PRESIDING OFFICER. The yeas are 51, the nays are 48.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Myrna Perez, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### VOTING RIGHTS

Mr. MARKEY. Mr. President, yesterday, the U.S. Senate was once again presented with the opportunity to protect the will and the voices of the American people. We had a chance to protect the sanctity of our electoral processes and to preserve our democracy. We had a chance to extend voting rights. But yesterday, for the second time this year, Republicans unambiguously chose obstruction over debate, suppression over representation.

All Democrats agree: The Freedom to Vote Act is commonsense legislation.

It would enhance access to the ballot for all Americans—a right enshrined in our Constitution. It would enact badly needed election integrity reforms and eliminate emerging threats to our democracy. The Freedom to Vote Act would put in place key voter protections, such as automatic voter registration, making election day a holiday, and uniform early voting. It includes provisions that are broadly popular with the American people: ending partisan gerrymandering and removing special interest money from our politics.

Every single Democrat voted for this bill. Democrats are united behind voting rights. Yesterday, we came to the floor together, ready to start the debate.

My Republican colleagues have said that Democrats are attempting to frame voting restrictions as voter suppression, implying that voter suppression is some figment of our imagination, a figment of the imagination of those across the country who are suffering from these practices. Well, to my Republican colleagues, look around. Nineteen States have passed 33 new laws this year that make it harder to vote. We know that these laws disproportionately disenfranchise Black voters, Brown voters, immigrant voters; voters like a mother in Georgia, who can't vote because she can't take time off from the job she works to cover the bills in the midst of a pandemic; or the poll worker in Arizona, who was arrested—arrested—for giving a bottle of water to a woman waiting in extreme heat to vote; or the person in Texas, who couldn't vote because he didn't have a ride to the polls.

Stories like these are not exaggerations. They are facts, and they are unconscionable facts. If Congress does not step up to the plate on voting rights, then we are signaling to every person in this country that their voice does not matter. We are telling them that we are a country that cares about representation for some but not for all in our country.

Ensuring voting rights is how we show, no matter a person's background or race or hometown or economic status, that their voice can be heard and represented. Not just the wealthy, not just big corporations, not just White Americans—everybody in our country is fully protected so that they can vote, so they can express that central right in our country.

Inaction on voting rights is not an option. Voting rights are the people's power, and the people's power is how we unlock opportunity, representation, and justice for everyone in our Nation. Ensuring the right to vote is how we restore faith in our democracy and how we turn popular opinion into legislative action here on the floor of the Senate.

This is how we take action to save our planet from the existential threat of the climate crisis that is impacting us right now. This is how we take action to respond to the ongoing COVID—

19 pandemic. This is how we take action to address racial injustice across our country. This is how we create the future for our children that we want to see for them.

Republican obstruction does not mean this fight is over. Next week, the Senate will prepare for a vote on the John Lewis Voting Rights Advancement Act, and here is how we can get this done: abolish the filibuster. Abolish the filibuster. We must abolish the filibuster so that Democrats who were elected into the majority can begin to operate like a majority.

The filibuster is yet another Jim Crow-era relic that silences the voices of disenfranchised people in our country, and this antiquated, parliamentary rule is halting progress in our country.

As legislators, our job is to both listen to the people of this country and act on what we have heard from our country. Democrats have listened, and we are working toward action.

So, to my Republican colleagues, for the sake of your constituents, I urge you to join us in taking action.

If they do not, then, in the face of continued obstruction, we must abolish the filibuster and pass voting rights legislation.

The Republicans can no longer be allowed to stand behind the filibuster—a Jim Crow-era policy, a set of rules that is used on the floor of the Senate to actually deny progress for every single part of our society. The time has passed. These rules are antiquated. They are used in a discriminatory way to deliberately minimize the political power of those who are most vulnerable, and it must end. We must abolish the filibuster.

The message we are receiving from the Republican leadership is that they are going to stand fast as a party, and that their political strategy is, in fact, disenfranchisement. It is, in fact, obstructing our ability to hear every single voice in our country.

So this is the time. This is the body that must act. We have to change these rules. These rules do not work for everyone. We know that this is our constitutional time.

Back when the first Constitution was being drafted, they excluded women, and they excluded the slave population, the Black population, from being able to vote. It was a deliberate plan that had to be rectified. It was rectified by the suffrage movement for women, and it was rectified by the Civil War so that former slaves would be given the right to vote.

Well, this is our time. We see this moment for us to act on the filibuster. In the same way that the Civil War was the impediment, it has to be removed because we can see who is harmed if it is not.

So I call upon everyone to begin this action to repeal the filibuster to ensure that everyone's voice is heard in our country.

I thank the Presiding Officer for this opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

FILTER BUBBLE TRANSPARENCY ACT AND PLATFORM ACCOUNTABILITY AND CONSUMER TRANSPARENCY ACT

Mr. THUNE. Mr. President, social media has become a big part of a lot of Americans' lives: TikTok, Twitter, Facebook, YouTube, Instagram.

People turn to social media for connection, for entertainment, to stay on top of the news, for pictures of the grandkids, for workout routines, and new recipes.

Social media offers a lot of benefits and opportunities, but it is becoming ever more clear that social media has a darker side as well. Social media use can have a negative effect on mental health. It can foster negative and divisive engagement and serve as an outlet for illegal activity, from child pornography to human trafficking. It can have a particularly detrimental effect on the still-developing psyches of teenagers.

The Wall Street Journal recently published a series of disturbing reports based on the information of a Facebook whistleblower provided that highlighted everything from the use of Facebook for criminal activity in developing countries to the company's own research showing the negative impact Instagram can have on teenager girls.

Two weeks ago, the Senate Commerce Committee held a hearing where we heard firsthand from the Facebook whistleblower about the concerns that led her to come forward. And next week, the Commerce Committee will be holding a hearing with witnesses from Snapchat, TikTok, and YouTube, examining how these companies treat younger users.

A recent Wall Street Journal investigation into TikTok revealed how easy it is for younger users to be bombarded with wildly inappropriate content, from videos promoting drug use to disturbing sexual content.

One major problem with social media that came through, once again, in the recent Commerce hearing and in the Wall Street Journal's recent revelations is social media platforms' use of algorithms to shape users' experiences.

Gone are the days when you logged into Facebook and just consumed content that had been posted chronologically since your previous login. Now Facebook and other social media platforms use algorithms to shape your news feed and suggestions for additional content, emphasizing posts the platforms think you will be interested in and de-emphasizing other posts.

Now, algorithms can be useful, of course. If you are looking for YouTube videos on how to build a bookshelf, you will probably appreciate it if YouTube suggests additional videos on how to build a bookshelf rather than videos on how to roast a turkey or sink the perfect jump shot.

But algorithms have a problematic aspect as well. For starters, many peo-

ple aren't aware just how much their experiences on these platforms are being manipulated and the negative emotional effects that that manipulation can have.

Disclosure on these platforms can be confusing or nonexistent, so individuals can be largely unaware that the immense amount of personal data that social media platforms collect is being used to decide what posts they are being shown, what ads they are being offered, and more.

Individuals end up being trapped in what has been termed the "filter bubble"—their own world of filtered search results and tailored content. This can lead to everything from political polarization, as users are presented with a narrow, one-sided view of current affairs, to addictive behavior, as the platform doubles down on troubling content that users have shown an interest in.

As the Wall Street Journal's recent articles on Facebook and TikTok demonstrate, the filter bubble can be particularly troubling in the case of younger social media users who may watch an inappropriate video and soon find that their feed is filled with similar material. In many ways, the filter bubble can and does shape a user's choices and behavior.

As the former Commerce Committee chairman and current ranking member of the Commerce Subcommittee on Communications, Media, and Broadband, I have been following these issues for a while and have developed two bipartisan bills—the Filter Bubble Transparency Act and the PACT Act—that I think would go a long way toward addressing the problems posed by social media platforms.

My Filter Bubble Transparency Act, which is cosponsored by Senators BLUMENTHAL and BLACKBURN, among others, would allow social media users to opt out of the filter bubble. In other words, it would allow them to opt out of the filtered experience tailored for them by opaque algorithms and, instead, see an unfiltered social media feed or search results that aren't based on the vast amount of information a platform has on them.

Facebook, for example, would be required to provide a clear notification to users that their content is being shaped by algorithms. Then Facebook would be required to provide users with an easily accessible option to see a chronological news feed instead of a news feed powered by opaque algorithms that emphasize the posts that Facebook wants you to see.

My Platform Accountability and Consumer Transparency Act—or the PACT Act—which I introduced with Senator SCHATZ, would also increase social media transparency. It would require sites to provide an easily digestible disclosure of their content moderation practices for users, and it would address censorship concerns by requiring sites to explain their decisions to remove material to consumers.

Until relatively recently, sites like Facebook and Twitter would remove a user's post without explanation and without an appeals process. Even as platforms start to shape up their act with regard to transparency and due process, it is still hard for users to get good information about how content is being moderated.

Under the PACT Act, if a site chooses to remove your post, it has to tell you why it decided to remove your post and explain how your post violated the site's terms of use. Then it has to provide a way for you to appeal that decision. The PACT Act would also explore the viability of a Federal program for Big Tech employees to blow the whistle on wrongdoing inside the companies where they work.

We learned a lot from Frances Haugen, the Facebook whistleblower who spoke to the Commerce Committee 2 weeks ago, and I believe that we should encourage employees in the tech sector to speak up about questionable practices of Big Tech companies so that we can, among other things, ensure Americans are fully aware of how social media platforms are making use of artificial intelligence and individuals' personal data to keep them hooked on their platforms.

As I said earlier, social media offers a lot of benefits—I think we all acknowledge that—but with the ever-increasing role that it plays in Americans' lives, it is essential that consumers understand exactly how social media platforms are using their information and shaping the news that they see and the content that they interact with.

And I am hopeful that the recent troubling revelations about Facebook and TikTok published by the Wall Street Journal will create an impetus for bipartisan action on social media transparency.

I am grateful to have bipartisan cosponsors for both the Filter Bubble Transparency Act and the PACT Act, and I look forward to working with my cosponsors to get these bills passed in the near future.

Big Tech has operated in the dark for too long. It is time to shed some light on content moderation.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Texas.

#### BORDER SECURITY

**Mr. CORNYN.** Mr. President, earlier this week, one of President Biden's nominees for a very important office testified before the Finance Committee. Actually, I was a little surprised. It is the nominee for Customs and Border Protection, but, apparently, according to the arcane rules of the Senate, rather than the Homeland Security and Governmental Affairs Committee or the Judiciary Committee, it was the Finance Committee that conducted that hearing. Perhaps there will be sequential referrals, but that surprised me a little bit.

But I met, at least over the phone, Chris Magnus, who is currently the po-

lice chief in Tucson, AZ, who had been nominated to lead—who has been nominated to lead U.S. Customs and Border Protection, the Agency responsible for managing security and trade and commerce at the border, among other places.

Suffice it to say the Customs and Border Protection are overwhelmed, given the current numbers of migrants making their way to the southwestern border. In the last year, CBP has encountered more than 1.7 million migrants along the southern border, the highest number on record.

To be clear, this is not the fault of the dedicated law enforcement officials who are putting their lives on the line to protect our children and our country from the influx of illegal drugs but to also enforce our immigration laws. By the way, these are not policies that they make, these are policies that Congress makes.

These men and women make incredible sacrifices to secure our border and try to keep our communities safe, and we owe them our gratitude. But we also owe them responsible policies and other support to give them a fighting chance to succeed at the difficult job we have asked them to do.

Unfortunately, the current crisis is a direct result of Biden administration words and actions and outright refusal to fix the policies that are being manipulated by the transnational criminal organizations that smuggle people and drugs into our country.

We have seen a steady parade of messages and policies and inactions and some actions in some cases, all of which crystalize into a clear message to migrants that if you come to the southwestern border and enter the country illegally, you will be likely able to stay.

I am reminded of the widespread shoplifting issues that we have seen in San Francisco. Under State law, which has recently changed, if someone is caught stealing merchandise for \$950 or less, it is only a misdemeanor, and rarely are those cases prosecuted.

But—surprise—people paid attention, and there is no shortage of videos online showing individuals committing criminal offenses, filling garbage bags full of items and walking right out the front door. This is what happens if you send the message that you can violate the law with impunity.

This problem in San Francisco became so expensive that a number of businesses, including Walgreens, for example, started closing stores in the city because they just couldn't afford the loss due to these thefts.

The message is that if leaders send a message that says the law won't be enforced, more people will break the law because there are no repercussions, and that is exactly what is happening today at the southern border.

The administration has essentially given the playbook to the migrants and the cartels—the transnational criminal organizations that smuggle people and

drugs into the United States. It boils down to this: Cross the border, surrender to Border Patrol, repeat these specific lines, and you will be released to the interior of the country with virtually no supervision.

And it doesn't surprise anybody that a huge percentage of those individuals never show up for their future court hearing.

Earlier this week, I asked Mr. Magnus if he agreed that the administration's stated policy of nonenforcement is a pull factor, encouraging more illegal immigration.

We talked about the push factors: violence, crime, a desire for a better life, maybe the smugglers whispering in your ear, "For a few bucks you can go stay with your family in the interior of the United States." But he agreed that the nonenforcement policy of the Department of Homeland Security was a pull factor that actually encouraged more illegal immigration.

I was surprised but honestly grateful to hear the President's nominee admit the truth. It is obvious. But it is still somehow a taboo statement—taboo statement for the Biden administration officials to make.

It is undeniable that the administration's actions have encouraged the surge of illegal immigration and the humanitarian crisis that exists on our border.

One example is the process by which migrants undergo—the process they undergo before they are returned or released. Before the Biden administration existed, there was a clear process for migrants who crossed the border to claim asylum.

The individual would be processed by Border Patrol and undergo a credible fear assessment. That is to see if they qualify for the statutory definition of asylum, which essentially determines, at least in a preliminary fashion, whether they qualify.

If the asylum officer determines the applicant had a credible fear of persecution, that person would then be issued a notice to appear for a future court hearing. That is a critical document that formally commences immigration court proceedings because if they don't show up, a default order of deportation will issue.

Well, I have heard concerns from a number of folks in my State about the fact that huge numbers of migrants are now being released without a notice to appear. Thousands of migrants have been released with what is called a notice to report. This is a document that says when you get where you are going, turn yourself in to the local Immigration and Customs Enforcement office to start your removal proceedings.

These migrants haven't undergone a credible fear screening. We have no information on the validity of their asylum claims, and it is unclear whether the administration has given any teeth to the warning that failure to contact the local ICE office may result in your arrest.